FOR MYSORE STATE

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Food and Agriculture (1950) Department.

Pls. SERIES.

G.O. NO. 375 Food and Agriculture

Dated 3rd March. 1950.

[Despatch Abstract.]

Motor Vehicles - Lorries - Transport of food Stuffs — during night — Prohibition — Notification under Section 3(2) of the Essential Supplies (Temporary powers) Act 1946 (central Act XXIV of 1946) — Amendment — Issued.

BOARD OF REVENUE (CIVIL SUPPLIES)

SUBJECT:

FOOD GRAINS - Transport by motor vehicles by night - Prohibition.

Ref. No. E. 059957/49-2, C.S., Dated 20th December 1949.

Sri C.S. Hejmadi,
Commissioner for Settlement of Estates, Madras.

Janab K. Ghulam Mahmoodu B.A.
Secretary to the Commissioner of Civil Supplies, Madras.

READ : From the Collector of Nellore, No.R.C. J4-18433/49- dated 29--11--1949.

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The Board submits to the Government a copy of the letter cited. Adverting to the proviso to clause 1 in the Notification issued in G.O. Ms. No. 393, Food, dated 3--4-1947, and subsequently amended, the Collector of Nellore seeks to know whether the proviso is applicable to the following cases:-

(i) Transport of foodgrains at night by a person who is not a procuring agent in a lorry owned by a procuring agent.

(ii) Transport of procured or smuggled grains by a procuring agent in a lorry owned by a person who is not a procuring agent.

(III) Transport of grains, which are not procured officially, by a wholesale-cum-procuring agent in his own lorry.

2. The notification in question, rather the prohibition in it, was intended as a measure for the prevention of smuggling of foodgrains and their transport in contravention of control orders. The proviso to clause 1 in the notification, rather the exemption in it, was intended to safeguard against the possibel adverse effects of the probibition in the notification on normal procurement operations. The important factor which should be the ke y for a proper understanding of the real import of the provisois, therefore

THE USE to which the motor vehicle is put or the nature of the transport in which it is engaged, -- that is, the carriage of procured grain. But the present language of the proviso tends to shift the emphasis to the ownership of the vehicle, and would appear to exempt from the notification even an illicit carriage of smuggled grain by a lorry belonging to a procurring agent. Thus, the proviso as it stands at present is liable not only to ambiguous interpretation but sometimes to interpretation contrary to that originally intended of it. Hence possible the doubts expressed in the Collector's letter under reference. The Board considers that the ambiguity in the present wording of the proviso might be cleared by amending the proviso as follows:-

"Provided that nothing contained in this clause shall apply to (i) motor vehicles belonging to Central or Provincial Government.

(ii) those engaged in the transport of procured foodgrains by the Government procuring agents".

This amendment assumes that Government vehicles will not be put to illegal use. The Board requests the Government to amend the proviso as suggested above.

sd.

for Secretary.

To

The Secretary to Government,

Food and Agriculture Department,

Fort St. George, Madras. (with enclosures.)

copy to the collector of Nellore.

Compared.

N. Rotharan.

Copy of letter R.C. J.4.14433/49 dated 29-11-49 from the Collector of Nellore, to the Board.

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Sub: CIVIL SUPPLIES - Paddy - Nellore district - Gudur taluk - Transport during night - Vehicle belonging to Government procuring agents - Clarification of proviso to the notification.

Ref: G.O. Ms. No. 393, Food dated 3.4.47, and my notification dated 7-5-49 banning the plying of vehicles at nights.

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Sri B. Ramachandra Rao and Sri K. Subbanna Chetty, procuring agents of Venkatagiri taluk were found transporting paddy during the night of 29-9-49 on the Errpedu-Gudur Road, which is one of the roads to which the prohibition of the transport of motor vehicles ordered in the notification issued in G.O. Ms. 393, Food, dated 3.4.1947 is applicable. The transport of paddy was however covered by valid permits issued by the District Supply officer, Nellore. But the stuff was not procured by them and as such they were not acting in the capacity of procuring agents in respect of this transport. The proviso into clause 1 of the order states that nothing contained in this order shall apply to motor vehicles belonging Provincial or Central Government or to Government procuring agents. A doubt has therefore arisen whether the dealers mentioned above come within the purview of "Government Procuring agents" mentioned in the proviso. In this connection, I request to be informed whether the proviso is applicable to the following cases.

1. The transport of foodgrains at night by a persons who is not a procuring agent in a lorry owned by a procuring agent.

2. The transport of procured or smuggled stuff by a procuring agent in a lorry owned by a non procuring agent.

3. Transport of non procured stuff by a wholesaler-CUM procuring agent in his own lorry.

4. I request early orders.

/true copy/

Compared
M. Rahimandh
N. Raghavaiah

FOOD AND AGRICULTURE.
Letter NO. 64258/49-3 dated 23-1-50.

To

The Secretary to the Government of India,

Ministry of Food, New Delhi,

(with enclosures.)

Sir,

SUB: FOOD STUFFS - Transport by meter vehicles during nights - Prohibiten - Notification under essential supplies (Temporary Powers) Act 1946, (Central Act XXIV of 1946).

Ref: Correspondence ending with your telegram No.cg. 604/24-1 dated 3-3-49.

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I am directed to invite a reference to the Notification issued by this Government in their proceedings Ms.No.393, Food dated 3.4.47, as subsequently amended, copy enclosed for ready reference) with speical reference to the proviso to clause 1 ~~in~~ therein. This proviso, was intended to ensure that the restrictions impossed by an adverse effect the notification do not have on normal procurement operations. It has now been brought to the notice of this Government that the proviso, as it is worded at present, is liable to be so interpreted as to care even illicit carriage of smuggled foodgrain by a lorry belonging to a procuring agent. It is therefore proposed to amend the proviso suitably, in order to the ambiguity. A copy of the draft notification proposed to be issued is enblosed. I am directed to request that the concurrence of the Government of India may kindly be obtained and communicated to t his Government at a very ekarly date.

Yours
N. Raghavan.

/true copy/

w.n.m. 27

EXPRESS TELEGRAM.

No. CG. 604(23)I - Vol III.

Date: 6.2.50-

From Food Department.

To: Cereals, Madras.

Your letter No. 64258 F/49-3 of twenty third. Government of India concur in issue of draft amendment to your notification prohibiting movement of foodgrains by motor vehicles during night hours.

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Food department.

No. CG. 604 (23) I Vol III.
GOVEREMENT OF INDIA.

MINISTRY OF FOOD.

New Delhi, the 7th February 1950.

Copy by post in confirmation to the Deputy Secretary to the Government of Madras, Food and Agriculture Department, Madras.

Copy to: Regional Food Commissioner, Madras.

By order etc.

Sridhar. (sd.)
for Under secretary to the Government of India.

/true copy/

v.n.m. 26.

~~pcmp by~~

compared by N. Rajagopalan.
N. Rajagopalan.

:ABSTRACT:

MOTOR VEHICLES - Lorries - Transport of ~~ff~~food stuffs - during nights - Prohibition - Notification under section 3 (2) of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946)- Amendment Issued.

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FOOD AND AGRICULTUE DEPARTMENT.

G.O. Ms. 375 Dated 3~~3~~-3--1950.

READ AGAIN:

G.O. Ms. No. 393, Food, d/3-4-47,

G.O. Ms. No. 603, Food, d/7-7-48.

G.O. Ms. No. 235, Food , d/7-3-49.

READ ~~KKRKX~~ALSO:

1. From the Board of Revenue (C.S.)Ref. No. E.055957/49-2 CS, d/20-12-49.

2. From the Government of India, Ministry of Food, Telegram No.CG.604 (23) I Vol. III dated 6.2.50.

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The following notification will be published in English in the Fort St. George Gazette and in English and in the Chief languages of the districts in the District Gazette concerned:-

NOTIFICATION.

In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946, (Central Act XXIV of 1946), read with the Notification of the Government of India, Department of Food, No. PY 603 (2)-1 dated the 11st October 19~~4~~6 and section 17 (2) of the said Act, and with the concurrence of the Government of India, His Excellency the Governor of Madras hereby makes the following amendment to the Order published with the Food Department

Notification, dated the 3rd April 1947, at page 291 of Part II of the Fort St. George Gazettee dated the 15th April 1947, as subsequently amended.

AMENDMENT.

In the said order, for the proviso to use 1, the following shall be substituted, namely:-

"Provided that nothing contained in this clause shall apply to (i) motor vehicles belonging to the Central or the Provincial Government and (ii) motor vehicles engaged in the transport of food grains ~~produced~~ procured by the Government Procuring agents".

(By order of His Excellency the Governor of Madras.)

N. Murugesa Mudaliar,
Deputy Secretary to Governmer

To

The Superintendent, G Press,
for publication of the notification.

All District Magistrates.

the I.G. of Police,

the Board of Revenue, (C.S),

the Secretary C.R.T. Bellary.

the Commissioner of Police.

the Public Prosector, Madras

Public, Home, Legal, and P.W. (I. & P.) Dept

/true copy/

Superint

.n.m. 25.

Note file

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Note for circulation.

According to the orders issued in G.O. No. Ms. 393, Food, dated 3.4.47 as subsequently amended, motor vehicles with public or private carrier permits carrying certain controlled foodstuffs are now prohibited from plying between the hours 7 p.m. and 6 a.m. on roads notified by the District Magistrates from time to time. This Order does not, however, apply to motor vehicles belonging to the Government, Central or State or to vehicles belonging to Government procuring agents. This exemption was intended to ensure that the restrictions imposed by the order do not have an adverse effect on normal procurement operations. The Board has now reported that the proviso in the said order (which exempts the procuring agents from the operation of the order) as it is worded at present is liable to be so interpreted as to cover even illicit carriage of smuggled foodgrain by a lorry belonging to a procuring agent. It has, therefore been proposed to amend the said proviso, suitably so as to remove the ambiguity. The Central Government in the Ministry of Food have also agreed to the proposal.

A draft amendment which has been scrutinised by Legal is submitted below:

The case may now be sent to H.M. FOOD for approval of the proposals and for order whether the draft order below may issue.

S. 18/8/50

The amendment may be approved.

H.M. Food

(Issued as G.O. Ms.375 F & A . d/3.3.50

v.n.m. 85

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